

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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ISAAC RICHEY,

Plaintiff,

**NOTICE OF MOTION**

-against-

No. 1:23-CV-00344

ANN MARIE T. SULLIVAN, MD, in her Individual and  
Official Capacity, NEW YORK STATE OFFICE OF  
MENTAL HEALTH, NEW YORK STATE OFFICE OF  
NICS APPEALS AND SAFE ACT, LI-WEN GRACE LEE,  
M.D., Individually, CARMEN BARBER, Individually,  
TONY TRAHAN, Individually, DOES 1-5 in their individual  
capacities,

AMN-DJS

Defendants.

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PLEASE TAKE NOTICE that upon the annexed Declaration of Mark G. Mitchell and the accompanying Memorandum of Law, and upon all prior proceedings, Defendants Ann Marie T. Sullivan, M.D., the New York State Office of Mental Health, the New York State Office of NICS Appeals and SAFE Act, Li-Wen Grace Lee, M.D., Carmen Barber, and Tony Trahan, on a date and time to be scheduled upon filing by the Clerk of Court, or as soon thereafter as counsel can be heard, will make a motion at the United States District Court, Northern District of New York, James T. Foley U.S. Courthouse, Albany, New York, pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an order dismissing the Amended Complaint, with prejudice, and terminating Ann Marie T. Sullivan, M.D., the New York State Office of Mental Health, the New York State Office of NICS Appeals and SAFE Act, Li-Wen Grace Lee, M.D.,

Carmen Barber, and Tony Trahan as Defendants in this action with prejudice, together with such other or further relief as may be just.

Dated: Albany, New York  
October 4, 2024

LETITIA JAMES  
Attorney General of the State of New York  
Attorney for Defendants Ann Marie T. Sullivan,  
M.D.; New York State Office of Mental  
Health; New York State Office of NICS  
Appeals and SAFE Act; Li-Wen Grace Lee,  
M.D.; Carmen Barber; and Tony Trahan  
The Capitol  
Albany, New York 12224

By: s/ Mark G. Mitchell  
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